

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

JOSHUA HILL (CABN 250842)  
Assistant United States Attorney

1301 Clay Street, Suite 340S  
Oakland, California 94612  
Telephone: (510) 637-3740  
Facsimile: (510) 637-3724  
E-Mail: Joshua.Hill2@usdoj.gov

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. 4-08-070461 WDB
	)	
Plaintiff,	)	STIPULATION AND ORDER
	)	REGARDING WAIVER OF TIME
vs.	)	PROVISIONS OF RULE 5.1 AND 18 U.S.C.
	)	§ 3161(b) AND SETTING DATE FOR
JOSE ANTONIO AGUILAR ESQUIVEL,	)	STATUS HEARING
	)	
Defendant.	)	
_____	)	

IT IS HEREBY STIPULATED between the plaintiff through its attorney, Joshua Hill, and the defendant through his attorney, Mike McDonnell, that the next hearing on the status of this matter shall be set for December 10, 2008 at 10:00 a.m. Defendant and his counsel continue to waive the provisions of Rule 5.1(c) of the Federal Rules of Criminal Procedure requiring a preliminary hearing to be held within 10 days of his initial appearance. The United States and defendant continue to discuss the possible resolution of this matter, which may also include resolution of charges currently pending in the Eastern District of Washington. Defendant's

1 waiver is based on the need for continuity of counsel and reasonable time necessary for effective  
2 preparation. The defense agrees that the waiver covers all time between November 19, 2008 and  
3 December 10, 2008.

4 IT IS SO STIPULATED:

5 Dated: November 19, 2008

/s/ Mike McDonnell  
MIKE McDONNELL  
*Attorney for Defendant*

8 Dated: November 19, 2008

/s/ Joshua Hill  
JOSHUA HILL  
Assistant United States Attorney

11 **ORDER**

12 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that time limits under  
13 Rule 5.1(c) of the Federal Rules of Criminal Procedure, and the parties shall appear for a status  
14 hearing in this matter on December 10, 2008 at 10:00 a.m.

16 Dated: November 20, 2008

  
HONORABLE WAYNE D. BRAZIL  
United States Magistrate Judge